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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,151	01/14/2002	Aaron Hal Dinwiddie	RCA 89642	6303
7590 08/22/2007 Joseph S Tripoli Thomson Multimedia Licensing Inc PO Box 5312 Princeton, NJ 08543-5312			EXAMINER YIMAM, HARUN M	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 08/22/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/031,151

Applicant(s)

DINWIDDIE ET AL.

Examiner

Harun M. Yimam

Art Unit

2623

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 20 July 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-15 and 17-20.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

  
**ANDREW Y. KOENIG  
PRIMARY PATENT EXAMINER**

Continuation of 11. does NOT place the application in condition for allowance because:

1. In response to applicants' argument (page 8, 1st and 2nd paragraphs) that Knowles does not disclose or suggest passwords for accessing multiple programming providers, applicants should first note that the word "associated" is a loose term and by definition means: to connect or bring into relation ([www.dictionary.com](http://www.dictionary.com)). Secondly, Claim 1 does not state that the first password is not or cannot be associated with the second programming provider and also does not state that the second password is not or cannot be associated with the first programming provider. Having said that, the claim calls for first and second passwords being associated with first and second programming providers respectively. Knowles explicitly discloses multiple independent IPGs, with their corresponding set of passwords, being associated with multiple sources of programming (paragraphs 0072 - 0074). Knowles further discloses that the IPGs are particular to each source.

Applicants should further note that according to the claim, said first password is not restricted to being associated with the first programming provider and can also be associated with the second programming provider. The same is true for the second password and that it can also be associated with the first programming provider. In the case of Knowles, since each password for a certain IPG has its corresponding access level and since the IPGs are independent and particular to each source of programming, said passwords are associated with the programming providers.

2. In response to applicants' argument (page 8, 2nd and 3rd paragraphs) that there is nothing in Knowles that remotely suggests a second programming provider that delivers programming to the apparatus via a second transmission media distinct from the first transmission media, applicants should first note that transmitting media through cable and satellite services (paragraphs 0103) are two distinct transmission methods. Knowles explicitly discloses multiple sources of programming (paragraphs 0073) where each IPG is particular to each source of programming. It is obvious to one of ordinary skill in the art that Cox cable and DIRECTV utilize different and distinct transmission mediums.

Knowles further discloses that multiple MPEG streams are delivered to multiple TV sets throughout the house, with each stream (or "source") modulated to a different channel (see paragraphs 0069 and 0072). Some of the channels may be just local channels i.e., in case of a UHF receiver for example (paragraph 0053, lines 1-10), which receives terrestrially broadcast television signals, and the others may be extended channels modulated from satellite broadcast television signals originating from satellite providers (paragraph 0103, lines 1-6). It is clear that since each source is modulated to a different channel, the programs of said different channels are from different programming providers.

In addition, Knowles explicitly discloses that a data center headend receives updated program information from multiple data sources and that the data from the various sources is merged at the data center headend in preparation to be sent to the network operators (paragraph 0050). Therefore, since the network operator (MSO) gets its program information from multiple data sources, the "programming providers" discussed above are different "programming providers".

3. In response to applicants' argument (page 9, 2nd paragraph) that Knowles does not disclose or suggest a temporary storage/memory for storing said first password during use, applicants should note that Knowles discloses upon a user entering a certain password, said password is temporarily stored by the DMA 7 (since the DMA may include buffer memory to temporarily store input data-- paragraph 0077) while the priority of the entered password and the privileges assigned to that password are determined based on the respective user information associated with the password stored in memory (see paragraphs 0072 and 0077). Therefore, said first password is stored in said temporary storage/memory (DMA 7) during use (while the priority of the entered password and the privileges assigned to that password are determined). The first password is stored in said temporary storage/memory (DMA 7) during use, maybe not during the entire use but most certainly at one point during use.

4. In response to applicants' argument (page 10, 4th paragraph - page 11, 3rd paragraph) that the combination of Kim and Knowles fails to teach or suggest at least the element of processing a second password when no access card is present, applicants should first note that in addition to the use of a smart card for changing the previously set viewing restriction level, Kim also discusses the use of a remote control device for changing the previously set viewing restriction level (column 6, lines 20-25). The first password is the password data read out from a smart card when the smart card is used that changes the previously set viewing restriction level and the second password is the password data received from a remote control device that's compared with the preset password data stored in memory to change the previously set viewing restriction level upon confirming a match between the two. Kim discloses determining whether an access card is coupled to an integrated television system (column 6, lines 26-67. The response below further clarifies the determining step). Therefore, the step of utilizing a remote control device to enter the password instead of a smart card reads on processing a second password when no access card is present.

5. In response to applicants' argument (page 11, 2nd paragraph) that Kim makes no distinction of selecting which password to process based on the presence or absence of an access card, applicants should note that Kim explicitly discloses that the password data from the smart card is read out only if said smart card is used (column 6, lines 38-47 and 59-54 and column 8, lines 5-11). If there is no smart card present then a second password received from a remote control device can still be processed to access some of the programming.

In addition, column 7, lines 22-24 discloses determining whether viewing restriction level changing input has been input. Since a smart card is what's used to change the viewing restriction level, determining whether viewing restriction level changing input has been input reads on determining whether an access card is coupled to the integrated television system.